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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/541,228
Applicants : Keiji HASUMI et al.
Filed : June 29, 2005
For : AFFINITY TRAP REACTOR AND
SINGLE-STEP PROCESS FOR
PURIFYING ANGIOSTATIN-LIKE
FRAGMENT FROM HUMAN PLASMA...
Art Unit : 1651
Examiner : Aaron J. KOSAR
Docket No. : 05360/HG
Confirm No. : 4548
Customer No.: 01933

DECLARATION UNDER 37 CFR 1.132 (MPEP 715.01(c))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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1. The above-identified application is a U.S. national phase application of International application PCT/JP03/000338 filed January 17, 2003 of inventors Keiji HASUMI and Kosuke SHIMIZU.
2. A publication entitled "A New Microbiological Enzyme Which Catalyzes Angiostatin Conversion of Plasminogen"; authorized by Keiji Hasumi; Mishima Isaium Memorial Foundation,

Research Report, No. 39 was cited against the above-identified application in the May 5, 2008 Office Action.

3. A copy of the aforesaid Hasumi publication (Japanese publication with a one page English language Abstract) was submitted with applicants' INFORMATION DISCLOSURE STATEMENT filed June 29, 2005 and was listed on a Form PTO/SB/08B dated June 29, 2005.

The citation of the aforesaid Hasumi publication on the aforesaid Form PTO/SB/08 dated June 29, 2005 set forth a date of "2001". This is not the publication date of aforesaid Hasumi publication. The date of "2001" indicated in Japanese on the first page of the aforesaid Hasumi publication is the 2001 fiscal year for the report, which in Japan runs from April 2001 to March 2002. The actual publication date of the aforesaid Hasumi publication is indicated in the last page of the Japanese publication as "14 12 1", which is December 1, 2002.

4. The aforesaid Hasumi publication is a publication on our behalf of our joint invention. The disclosure in the aforesaid Hasumi publication describes our own work. The disclosure in the aforesaid Hasumi publication was conceived and invented by us.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 26, 2008

Keiji Hasumi
Keiji HASUMI

Date: July 26, 2008

Kosuke Shimizu
Kosuke SHIMIZU

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FISCHER et al. teach merely a heparin affinity chromatography for collecting stable factor VII/vWF-complex, and it is set forth in Example 7 of FISCHER et al. that a plasma protease was selectively removed by using lysine Sepharose chromatography.

The heparin affinity chromatography of FISCHER et al. is quite different from the affinity trap reactor of applicants' present claims in that the heparin chromatography of FISCHER et al. do not have both an enzyme and a molecule that specifically binds with a substrate of the enzyme directly binding to the sepharose as the component of such a chromatography system. Further, the enzyme which binds to the support of the affinity trap reactor of applicants' present claims acts on a substrate, whereas the heparin affinity chromatography of FISCHER et al. is used merely to selectively collect a plasma protease, and does not act on the protease's substrate. The affinity trap reactor of applicants' present claims is therefore substantially different from the heparin affinity chromatography of FISCHER et al. Thus, applicants' present claims are not anticipated by

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FISCHER et al.

Withdrawal of the 35 USC 102 rejection based on McCLUNG et al. or RÖMISCH et al. or FISCHER is respectfully requested.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

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Enclosure: Declaration Under 37 CFR 1.132 (MPEP 715.01(c))